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June 28, 2023

Via Electronic Case Filing

The Honorable Robert W. Lehrburger
United States District Court
Southern District of New York
50 Pearl Street, Courtroom 18D
New York, NY 10007

**Re: Boyd v. Layer Cake Creative Services LLC et al.
Docket No.: 23-cv-2330 (AT)(RWL)**

Dear Judge Lehrburger:

This Firm represents non-party, SRGG, LLC ("SRGG") in connection with a subpoena and the second motion to compel filed by plaintiff, Charles Boyd ("Plaintiff") in the above-referenced matter. SRGG respectfully submits this letter in opposition to Plaintiff's second motion to compel (Doc No. 45).

Plaintiff's first argument regarding the address reflected in SRGG's invoices has no bearing on SRGG's production of responsive documents. The fact that the invoices contain two (2) typos regarding the street number and zip code does not invalidate the invoices. It also does not change the fact that SRGG produced copies of the invoices that it issued to defendant. SRGG advised that the correct address is 475 E. Palisades Avenue, Englewood Cliffs, New Jersey 07632.

The April 29, 2023 email from srgg.invoices@gmail.com to Plaintiff's counsel was actually sent by Silvia Mena of SRGG to Edward Carlson, Esq. This email was sent in response to the subpoena that was served by Mr. Carlson on SRGG. In addition, Ms. Mena advised Mr. Carlson that SRGG would produce any and all "transcripts" related to its dealings with Layer Cake because the underlying subpoena specifically referenced "transcripts." SRGG did not represent to Mr. Carlson that it was in possession or any "transcripts" with Layer Cake. This April 29 email also does not constitute an email communication between SRGG and Layer Cake.

During our meet and confer with Mr. Carlson, counsel advised Mr. Carlson that if he had any questions regarding the subject invoices or SRGG's business dealings with Layer Cake, he should request a deposition or an opportunity to interview SRGG. Despite our willingness to

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provide SRGG for a deposition or interview, Mr. Carlson has not requested the opportunity to speak with our client.

SRGG has not played any games with Plaintiff's subpoena. It produced copies of its invoices and the relevant bank records regarding the two (2) payments. SRGG conducted a search of its email files and advised that it does not have copies of any email communications with defendants. SRGG's communications with defendant occurred by text messages which automatically delete in 30 days.

Given that SRGG has complied with Plaintiff's subpoena, SRGG respectfully requests that the Court deny Plaintiff's second motion to compel in its entirety.

The Court's time and attention to this matter are greatly appreciated.

Respectfully yours,

/s/ James T. Kim

James T. Kim

JK:mls
cc: All Counsel of Record via ECF